

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71389 of 2022**

Arising Out of PS. Case No.-314 Year-2022 Thana- DAUDPUR District- Saran

KANCHAN KUMAR CHAUDHRY S/O Late Ram Ayodhya Chaudhary R/O
Village- Tarwa Pojhia, P.S- Kopa, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr.Umesh Lal Verma, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 09-02-2023 Heard the learned counsel for the petitioner and

the learned APP for the State.

The petitioner seeks regular bail in connection with Daudpur Excise PS case no. 314 of 2022 instituted for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 150 liters of illicit countrymade liquor from a tempo and the petitioner is stated to be following the said tempo on his motorcycle.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case and he is languishing in custody since



05.11.2022. The learned counsel for the petitioner has further submitted that the petitioner has been made accused in the present case only because he is an accused in two other cases, however, the fact is that neither any illicit liquor has been recovered from his conscious possession nor the tempo in question belongs to the petitioner, as has been stated in paragraph no. 10 of the present petition.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that neither the petitioner is stated to be the owner of the tempo in question nor any illicit liquor has been recovered from the conscious possession of the petitioner, I deem it fit and appropriate to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Exclusive Special Excise Court no. I-cum- Additional Sessions Judge 2,



Saran at Chapra in connection with Daudpur PS case no. 314
of 2022.

(Mohit Kumar Shah, J)

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